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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA

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10 DANIEL CONTRERAS,  
11 Plaintiff,  
12 v.  
13 DEPUTY HART, et al.,  
14 Defendants.

Case No. 18-cv-04048-HSG (PR)

**ORDER OF DISMISSAL**

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16 On July 6, 2018, plaintiff, an inmate at the San Mateo County Jail's Maguire Correctional  
17 Facility, filed this *pro se* civil rights action under 42 U.S.C. § 1983. On October 29, 2018, the  
18 Court reviewed the complaint and dismissed it with leave to amend to cure several specific  
19 deficiencies. Plaintiff has filed an amended complaint.

20 The amended complaint fails to cure the deficiencies identified in the Court's October 29,  
21 2018 order of dismissal with leave to amend. Specifically, plaintiff's claim that he was forced to  
22 take his thirty minutes of recreation time in waist shackles for five consecutive days does not  
23 allege a deprivation of such magnitude that would constitute unconstitutional conditions of  
24 confinement. Nor does he allege that he was hindered from pursuing a non-frivolous claim as  
25 required to show denial of access to courts. The amended complaint contains many conclusions  
26 but no additional facts to allege the essential elements of a Section 1983 claim.

27 Accordingly, this case is DISMISSED because the amended complaint fails to state a  
28 cognizable claim for relief. Further leave to amend will not be granted because the Court already

United States District Court  
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1 has explained to plaintiff the specific deficiencies in his pleading, and he has been unable or  
2 unwilling to correct them.

3 The Clerk shall enter judgment and close the file.

4 **IT IS SO ORDERED.**

5 Dated: 1/31/2019

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HAYWOOD S. GILLIAM, JR.  
United States District Judge